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July 9, 2004

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1653

Re: U.S. Utility Patent Application
Appl. No. 10/668,168; Filed: September 24, 2003
For: **Mutants of Green Fluorescent Protein**
Inventors: Krista EVANS
Our Ref: 0942.4020003/BJD/JKM

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. List of cited references on Form PTO-1449 (8 sheets);
3. A copy of the following references cited on Form PTO-1449 (23 documents: **AR1-AS8**);
4. First Supplemental Information Disclosure Statement;
5. List of cited references on Form PTO-1449 (1 sheet);
6. Second Supplemental Information Disclosure Statement;
7. List of cited references on Form PTO-1449 (2 sheets);
8. A copy of document **AT8**; and
9. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are

Commissioner for Patents
July 9, 2004
Page 2

necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Brian J. Del Buono", with a stylized flourish at the end.

Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

BJD/JKM:bac

284221_1.DOC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Evans, K.

Appl. No.: 10/668,168

Filed: September 24, 2003

For: **Mutants of Green Fluorescent
Protein**

Confirmation No.: 5379

Art Unit: 1653

Examiner: *To Be Assigned*

Atty. Docket: 0942.4020003/BJD/JKM

Information Disclosure Statement under 37 C.F.R. § 1.97(b)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97, and 1.98. Copies of documents AA1-AB1 and AL1-AM1 were cited by or submitted to the Office in an Information Disclosure Statement that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/472,065, filed December 23, 1999, now U.S. Patent No. 6,638,732 B1, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d). Copies of documents AR1-AS8 are provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be

prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

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Respectfully submitted,

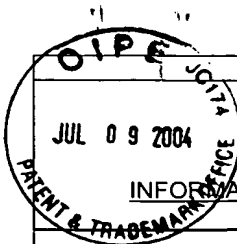
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
Attorney for Applicant
Registration No. 42,473

Date: July 9, 2004

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600



JUL 09 2004

FORM PTO-1449

INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.
0942.4020003/BJD/JKMAPPLICATION NO.
10/668,168FIRST NAMED INVENTOR
Evans, K.FILING DATE
September 24, 2003ART UNIT
1653

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	5,491,084	02/13/1996	Chalfie <i>et al.</i>			09/10/1993
	AB1	5,625,048	04/29/1997	Tsien <i>et al.</i>			11/10/1994
	AC						
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	AJ						
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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	WO 97/11094	03/27/1997	WIPO			Yes No
	AM1	WO 98/14605	04/09/1998	WIPO			Yes No
	AN1						Yes No
	AO1						Yes No
	AP1						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	1	Chalfie, M., <i>et al.</i> , "Green Fluorescent Protein as a Marker for Gene Expression," <i>Science</i> 263:802-805, American Association for the Advancement of Science (1994)
	AS	1	Clonetech, Inc., "Living Colors™ Enhanced GFP Vectors," <i>CLONTECHniques</i> , p. 2-3, BD Biosciences (April 1996)
	AT	1	Cody, C.W., <i>et al.</i> , "Chemical Structure of the Hexapeptide Chromophore of the <i>Aequorea</i> Green-Fluorescent Protein," <i>Biochem.</i> 32:1212-1218, American Chemical Society (1993)

EXAMINER

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	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	2	Cormack, B. and Falkow, S., "Isolation of FACS-Optimized Variants of Green Fluorescent Protein," <i>CLONTECHniques</i> , p. 21, BD Biosciences (April 1996)
	AS	2	Cormack, B.P., <i>et al.</i> , "FACS-optimized mutants of the green fluorescent protein (GFP)," <i>Gene</i> 173:33-38, Elsevier Science B.V. (July 1996)
	AT	2	Cramer, A., <i>et al.</i> , "Improved Green Fluorescent Protein by Molecular Evolution Using DNA Shuffling," <i>Nat. Biotechnol.</i> 14:315-319, Nature America Publishing (March 1996)

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	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>3</u>	Delagrave, S., <i>et al.</i> , "Red-Shifted Excitation Mutants of the Green Fluorescent Protein," <i>Bio/Tech.</i> 13:151-154, Nature Publishing Co. (February 1995)
	AS	<u>3</u>	Ehrig, T., <i>et al.</i> , "Green-fluorescent protein mutants with altered fluorescence excitation spectra," <i>FEBS Lett.</i> 367:163-166, Federation of European Biochemical Societies (June 1995)
	AT	<u>3</u>	Evans, K., <i>et al.</i> , "pGreen Lantern™-1, A Superior Green Fluorescent Protein Mammalian Cell Transfection Reporter," <i>Focus</i> 18:40-43, Life Technologies (July 1996)

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	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>4</u>	Heim, R., <i>et al.</i> , "Wavelength mutations and posttranslational autooxidation of green fluorescent protein," <i>Proc. Natl. Acad. Sci. USA</i> 91:12501-12504, National Academy of Sciences (1994)
	AS	<u>4</u>	Heim, R., <i>et al.</i> , "Improved green fluorescence," <i>Nature</i> 373:663-664, Macmillan Publishing Co. (February 1995)
	AT	<u>4</u>	Heim, R. and Tsien, R.Y., "Engineering green fluorescent protein for improved brightness, longer wavelengths and fluorescence resonance energy transfer," <i>Curr. Biol.</i> 6:178-182, Current Biology Ltd. (February 1996)

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	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>5</u>	Marshall, J., <i>et al.</i> , "The Jellyfish Green Fluorescent Protein: A New Tool for Studying Ion Channel Expression and Function," <i>Neuron</i> 14:211-215, Cell Press (February 1995)
	AS	<u>5</u>	Misteli, T. and Spector, D.L., "Applications of the green fluorescent protein in cell biology and biotechnology," <i>Nat. Biotechnol.</i> 15:961-964, Nature America Publishing (October 1997)
	AT	<u>5</u>	Ormö, M., <i>et al.</i> , "Crystal Structure of the <i>Aequorea victoria</i> Green Fluorescent Protein," <i>Science</i> 273:1392-1395, American Association for the Advancement of Science (September 1996)

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	0942.4020003/BJD/JKM	10/668,168
	FIRST NAMED INVENTOR	
	Evans, K.	
	FILING DATE	ART UNIT
	September 24, 2003	1653

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	AL						Yes No
	AM						Yes No
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	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>6</u>	Palm, G.J., <i>et al.</i> , "The structural basis for spectral variations in green fluorescent protein," <i>Nat. Struct. Biol.</i> 4:361-365, Nature Publishing Co. (May 1997)
AS	<u>6</u>	Prasher, D.C., <i>et al.</i> , "Primary structure of the <i>Aequorea victoria</i> green-fluorescent protein," <i>Gene</i> 111:229-233, Elsevier Science Publishers B.V. (1992)
AT	<u>6</u>	Rizzuto, R., <i>et al.</i> , "Double labelling of subcellular structures with organelle-targeted GFP mutants <i>In vivo</i> ," <i>Curr. Biol.</i> 6:183-188, Current Biology Ltd. (February 1996)

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	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>z</u>	Wang, S. and Hazelrigg, T., "Implications for <i>bcd</i> mRNA localization from spatial distribution of <i>exu</i> protein in <i>Drosophila</i> oogenesis," <i>Nature</i> 369:400-403, Macmillan Publishing Co. (1994)
	AS	<u>z</u>	Ward, W.W. and Cormier, M.J., "Energy Transfer via Protein-Protein Interaction in <i>Renilla</i> Bioluminescence," <i>Photochem. & Photobiol.</i> 27:389-396, Pergamon Press (1978)
	AT	<u>z</u>	Yang, F., <i>et al.</i> , "The molecular structure of green fluorescent protein," <i>Nat. Biotechnol.</i> 14:1246-1251, Nature America Publishing (October 1996)

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	AP						Yes
							No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	8	Yokoe, H. and Meyer, T., "Spatial dynamics of GFP-tagged proteins investigated by local fluorescence enhancement," <i>Nat. Biotechnol.</i> 14:1252-1256, Nature America Publishing (October 1996)
	AS	8	Zolotukhin, S., <i>et al.</i> , "A 'Humanized' Green Fluorescent Protein cDNA Adapted for High-Level Expression in Mammalian Cells," <i>J. Virol.</i> 70:4646-4654, American Society for Microbiology (July 1996)
	AT		

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Evans, K.

Appl. No.: 10/668,168

Filed: September 24, 2003

For: **Mutants of Green Fluorescent
Protein**

Confirmation No.: 5379

Art Unit: 1653

Examiner: *To Be Assigned*

Atty. Docket: 0942.4020003/BJD/JKM

**First Supplemental Information Disclosure Statement
under 37 C.F.R. § 1.97(b)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

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Respectfully submitted,

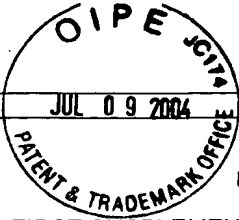
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
Attorney for Applicant
Registration No. 42,473

Date: July 9, 2004

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Evans, K.FILING DATE
September 24, 2003ART UNIT
1653**FIRST SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT****U.S. PATENT DOCUMENTS**

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	AN1	EP 1 104 769 A2	06/06/2001	Europe			Yes No
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	AP						Yes No

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Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97, and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicant's First Supplemental Information Disclosure Statement and Applicant's Information Disclosure Statement filed herewith in connection with the above-captioned application.

Copies of document AC1-AD2 are not provided in accordance with the U.S. Patent and Trademark Office pre-OG notice of July 11, 2003, which states "the Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003." Copies of documents AO1-AL2 were cited by or submitted to the Office in an Information Disclosure Statement that complies with 37

C.F.R. § 1.98(a)-(c) in Application No. 09/472,065, filed December 23, 1999, now U.S. Patent No. 6,638,732 B1, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d). A copy of document AT8 is provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed after three months of the date of filing, but before an Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO 1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
Attorney for Applicant
Registration No. 42,473

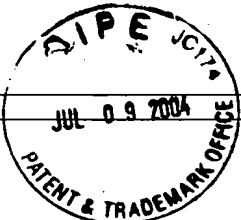
Date: July 9, 2004

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FORM PTO-1449

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENTATTY. DOCKET NO.
0942.4020003/BJD/JKM
FIRST NAMED INVENTOR
Evans, K.APPLICATION NO.
10/668,168FILING DATE
September 24, 2003ART UNIT
1653

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC1	5,777,079	07/07/1998	Tsien <i>et al.</i>			11/20/1996
	AD1	5,804,387	09/08/1998	Cormack <i>et al.</i>			01/31/1997
	AE1	5,968,738	10/19/1999	Anderson <i>et al.</i>			12/06/1996
	AF1	5,994,077	11/30/1999	Valdivia <i>et al.</i>			09/10/1997
	AG1	6,027,881	02/22/2000	Pavlakakis <i>et al.</i>			05/08/1996
	AH1	6,054,321	04/25/2000	Tsien <i>et al.</i>			08/15/1997
	AI1	6,066,476	05/23/2000	Tsien <i>et al.</i>			11/20/1996
	AJ1	6,077,707	06/20/2000	Tsien <i>et al.</i>			11/19/1997
	AK1	6,124,128	09/26/2000	Tsien <i>et al.</i>			08/30/1996

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO1	WO 96/23810 A1	08/08/1996	WIPO			Yes No
	AP1	WO 01/98338 A2	12/27/2001	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS		
	AT	8	Tsien, R.Y., "The Green Fluorescent Protein," <i>Annu. Rev. Biochem.</i> 67:509-544, Annual Reviews (July 1998)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT**ATTY. DOCKET NO.
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1653**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2	6,146,826	11/14/2000	Chalfie <i>et al.</i>			06/18/1996
	AB2	6,172,188	01/09/2001	Thastrup <i>et al.</i>			03/17/1997
	AC2	6,319,669	11/20/2001	Tsien <i>et al.</i>			03/20/1997
	AD2	6,403,374 B1	06/11/2002	Tsien <i>et al.</i>			12/16/1999
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2	WO 02/085936 A2	10/31/2002	WIPO			Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS		
	AT		

EXAMINER

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